

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CINDY AVILA, et al.,)	CASE NO. 4:04-CV-3384
)	
Plaintiffs,)	
)	
vs.)	JUDGMENT
)	
CNH AMERICA, LLC, et al.,)	
)	
Defendants.)	

Pursuant to the parties' joint stipulation for judgments of dismissal with prejudice (filing No. 554), and with the Court finding that there is no just reason for delay,

IT IS ORDERED that final judgment is entered pursuant to Federal Rules of Civil Procedure 41(a) and 54(b) dismissing with prejudice all claims asserted against all Defendants by the following Plaintiffs in the above-captioned case, with the parties bearing their own costs and attorneys' fees:

1. Charmaine Arp, Individually and as Personal Representative of the Estate of Daniel Arp, Deceased
2. Marlene Beason, Individually and as Next Friend of C.R.B., a minor¹
3. Rocke Beason
4. David R. Bergholz, as Personal Representative of the Estate of Raymond L. Bergholz, Deceased
5. Rose Bergholz
6. Lorinda Krance, Individually and as Next Friend of C.T.B., K.J.B., and K.K.B., minors²

¹ C.R.B. is Cody R. Beason, who was a minor when the Fifth Amended Complaint was filed, but who is now age 22 or older.

7. Thomas Brown
8. Carol Marie Castleberry, Individually and as Next Friend of C.J.C. and K.M.C., minors³
9. Suzanne Dowd, as Personal Representative of the Estate of Mary Jo Dowd, Deceased
10. Jeanette Edghill
11. Warren Edghill
12. Frank Elliott⁴
13. Virginia Elliott
14. Robert Eversoll⁵
15. Denny Fitzgerald
16. Denny Fitzgerald, as Trustee of the Denny R. Fitzgerald and Annetta M. Fitzgerald Revocable Trust Dated June 1, 2000
17. Julia Foote
18. Joanie Guerrero, Individually and as Next Friend of B.C.G., B.C.G., and J.M.G., minors⁶
19. Robert Guerrero
20. Carol Heying, Individually and as Personal Representative of the Estate of Eugene Heying, Deceased
21. Donald Jenkins
22. Donald Jenkins, as Next Friend of D.A.J., minor⁷

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² K.J.B. is Karley J. Brown, who was a minor when the Fifth Amended Complaint was filed, but who is now age 20 or older. C.T.B. and K.K.B. are still minors.

³ C.J.C. is Cody J. Castleberry, who was a minor when the Fifth Amended Complaint was filed, but who is now age 19 or older. K.M.C. is Kelsey M. Castleberry, who was a minor when the Fifth Amended Complaint was filed, but who is now age 22 or older.

⁴ Frank Elliott is now deceased. Virginia Elliott is a legal representative authorized to act on his behalf.

⁵ Robert Eversoll is now deceased. Judith A. Eversoll is a legal representative authorized to act on his behalf.

⁶ J.M.G. is Jordan M. Guerrero, who was a minor when the Fifth Amended Complaint was filed, but who is now age 19 or older. B.C.G. and B.C.G. are still minors.

23. Donnette Jenkins

24. Michelle Kohlhof, Individually and as Next Friend of K.M.K., a minor⁸

25. Sandra Lawrey

26. William Lawrey

27. Robert E. Lee

28. Byron M. Levinson

29. Anthony Martinez

30. Kris Mleczko

31. Jody Roepke, Individually and as Next Friend of Z.M.N., a minor⁹

32. Keely Nelson

33. Michael Nelson

34. Patricia Ann Pirnie

35. Jason P. Ressler

36. Kerry Ressler-Martinez

37. Ted Rookstool

38. Patrick Ryan

39. Barbara Schorle

40. Bruce Schorle

41. Cheri Schwieger

42. Donald A. Schwieger

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⁷ D.A.J. is Darren A. Jenkins, who was a minor when the Fifth Amended Complaint was filed, but who is now age 21 or older.

⁸ K.M.K. is Kali M. Kohlhof, who was a minor when the Fifth Amended Complaint was filed, but who is now age 19 or older.

⁹ Z.M.N. is Zayne M. Nelson, who was a minor when the Fifth Amended Complaint was filed, but who is now age 18 and will turn age 19 in December 2014.

- 43. Cecil Sonnenfelt
- 44. Letha Sonnenfelt
- 45. Gordon Svoboda
- 46. Jerrold Tjaden
- 47. Linda Tjaden
- 48. Sherri Tolle
- 49. William Tolle
- 50. Jack Wiese
- 51. Jack Wiese, as Personal Representative of the Estate of Beatrice Wiese, Deceased
- 52. Richard E. Willis
- 53. Aaron Wobig, Individually and as Next Friend of C.W., a minor¹⁰

IT IS ALSO ORDERED that final judgment is entered pursuant to Federal Rules of Civil Procedure 41(a) and 54(b) dismissing with prejudice all claims asserted against all Defendants by all Plaintiffs in the above-captioned case, with the parties bearing their own costs and attorneys' fees.

November 18, 2014

BY THE COURT:

Richard G. Kopf
Senior United States District Judge

¹⁰ C.W. is Chelsey Wobig, who was a minor when the Fifth Amended Complaint was filed, but who is now age 22 or older.